

REMARKS/ARGUMENTS

The Office Action of November 8, 2010 has been carefully reviewed and these remarks are responsive thereto. Claims 1, 4, 8, 10-12, 15-17, 20, 21, and 23-27 have been amended, claims 14, 16, and 18 have been canceled without prejudice or disclaimer, and new claims 28-30 have been added. The amendments and new claims are supported by Applicants' application as originally filed in paragraphs 0043 and 0058. No new matter has been added. Claims 1-6, 8-13, 15-18, 20-22, and 24-30 thus remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Telephonic Interview

Applicants wish to thank Examiner Van Handel for the courtesies extended to their representatives during the telephonic interview conducted on January 5, 2011. Applicants agree with the Examiner's Interview Summary and adopt the same as Applicants' statement of substance of interview in accordance with MPEP § 713.04.

Rejections Under 35 U.S.C. § 101

Claims 24-27 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection for at least the following reasons. Applicants have amended claims 24-27 to recite "non-transitory machine-readable medium," as suggested by the Office Action. Applicants respectfully submit that the rejection is now moot.

Rejections Under 35 U.S.C. § 102 and § 103

Claims 1, 3-5, 8, 10-12 and 14-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dougherty, et al. Applicants respectfully traverse.

Independent claims 1, 8, and 24 have been amended to recite the feature of "wherein the interactive content is customized according to one or more rules targeting a particular geographic location"; and independent claims 15, 20 and 27 have been amended to recite the feature of "interactive content customized according to one or more rules targeting a particular geographic location." The Office Action cites interactive applications in Dougherty for the claimed

“interactive content.” However, the interactive applications in Dougherty are related only to a program being broadcast. As agreed during the interview, Dougherty’s interactive applications are not “customized according to one or more rules targeting a particular geographic location” as recited in the independent claims. Accordingly, independent claims 1, 8, 15, 20, 24, and 27 are distinguishable

Dependent claims 3-5, 10-12, 17, and 19-26 are distinguishable from Dougherty for at least the same reasons as their respective base claims, and further in view of the unique combinations of features recited therein.

Claims 2, 6, 9 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dougherty, et al., in view of Blacketter, et al. Blacketter fails to overcome the deficiency of Dougherty noted above. Accordingly, claims 2, 6, 9, and 13 are distinguishable over the combination of Dougherty and Blacketter for at least the same reasons as their respective base claims discussed above, and further in view of the unique combinations of features recited therein.

CONCLUSION

All issues having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3307.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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